

Refugee Reports

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INTERVIEW WITH JONATHAN MOORE, U.S. COORDINATOR FOR REFUGEES

Recently, *Refugee Reports* talked with Jonathan Moore, U.S. Coordinator for Refugees and Director of the State Department's Bureau for Refugee Programs. Moore discussed his job, his recent trip to Africa, events in Thailand, and voluntary repatriation, among other things. Below are excerpts from that discussion.

What are your observations on the job of the U.S. Coordinator, having held that post for the past eight months?

This job is not to be a micro-manager of everybody else's business.... It's the broad picture, the integrated whole, that I'm interested in. If an issue is sufficiently urgent or impacted, I'm going to get into it. But otherwise I try to encourage other people to do their jobs well enough, rather than to intervene.

The job can be extremely misleading. It has vast responsibilities spelled out in the Refugee Act of 1980, but it has virtually no authority. Therefore, there are inflated expectations that the Coordinator is some sort of magician, which are absolutely misplaced, and breed frustration and dashed hopes.

Most of the refugee problems we deal with are external and out of our control. Most of them are impacted and deteriorating. The general picture is not bleak because the whole experience of working with refugees is one of hope. But the situation is very bad and it isn't getting any better. Both qualitatively and quantitatively, refugee problems are becoming more intense.

Within this deteriorating context, what are your goals?

Hold on. Don't quit. Keep scrapping. The job is a question of political management. You try to get the system to work better generally. You work the margins as tenaciously and resourcefully as you can.

I want to bring people who are involved directly and those in support capacities--who supply money, resources, and are politically involved, rather than

IN THIS ISSUE:

Ambassador Jonathan Moore, the new U.S. Coordinator for Refugee Affairs, and more recently Director of the State Department's Bureau for Refugee Programs, took office in September. In an interview with *Refugee Reports* staff, Moore talks about his job, his goals, UNHCR and voluntary repatriation, and refugee policy in Africa, Latin America, and Southeast Asia.....1

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the experts--to a greater understanding of the complexity of the whole. I want to get people to be more capable of dealing with the truth: not to pretend that, "the refugee problem that I'm working on is the only one"; not to pretend that there are solutions that don't exist; not to pretend that refugees who are involved in insurgencies are only refugees or only insurgents, when most of them are probably going to be both.

Work to keep up resources, both domestic and international. That's a very discrete, focussed goal. As resources are declining, keep them declining at a lower rate.

Foreign policy is made in a lot of ways and in a lot of places, and it involves the competition of reconciling many different--and presumably legitimate--interests. Refugee issues need to play a greater role in that dynamic.

...Keep working on assistance in place. It isn't adequate, and it can be very short sighted, but it may be, in a given situation, the best thing you can do to help refugees. And the part of assistance that needs the most persistent attention is protection, which is the toughest. It's all inadequate--medical assistance, education, food, shelter; so when you are dealing at that level, everything is important. But protection is tougher, and needs even more attention.

Work on the long-term solutions. And that clearly means--among other things--voluntary repatriation.... Repatriation isn't only something that UNHCR does. It can only happen if we can get conditions to change. The basic strategy to push more aggressively worldwide on this is very, very good. But in individual instances, you've got to be very careful that you're not actually putting people back in situations which are just about the same as when they left. And you may end up in a situation which--although you're not seeing it that way--could, in reality, be involuntary repatriation.

What are some of the issues you looked into during your recent trip to Africa?

In Sudan, I looked into the problem of getting exit visas for a large number of Ethiopian refugees who had already been processed to come out, well over a thousand.

We were able to reach an agreement with the Sudanese government on the exit visas....

Is it your understanding that Khartoum will once again be a processing post as in the past? Are you looking at any other processing locales?

We have a new policy whereby we can process Africans from a number of places, including the European posts. But I would expect Sudan processing to continue--principally for Ethiopians.

Protection is the other problem in the Sudan--the fact that the refugees need more help than they're getting, period. The other is the question of the urban refugees, particularly in Khartoum. The government's tendency is to have them moved to rural areas, and I don't want to say that they are being experimented with, but the government seems ambivalent as to how they are going to treat this very difficult problem. Urban areas are where the conflict with the local population is the greatest. How do they deal with it in terms of security, of protection, of moving primarily urban refugees out to rural areas? UNHCR and we have been working on this with the government of Sudan, in terms of being careful about moving them about and being careful of abusing their rights. There has been a recent deterioration in this respect regarding urban refugees. (see Update)

What are your impressions of refugee protection in Southern Africa?

The most important thing that I encountered in terms of refugee protection was the change in the government of Malawi--its perception of the refugee problem and its policy for dealing with it. Mozambicans in Malawi--their numbers are increasing--are now being treated as refugees, even though they are called displaced persons, and help has been asked for, and it has been allowed to come into the country and to operate--largely, but not exclusively, in the form of the UNHCR. When you are thinking about the awful mix of insurgency and refugees, and the magnitude of this situation, progress becomes a very relative term, but it is there.

One of the specific questions we were working on was that of repatriating Mozambican refugees back to that country, particularly--but not exclusively--from Malawi.

There could be big security problems. Some of them would be going back to their own homes. The majority would not be. This is a plan, you understand. None of it is inviolate....

But given the whole scope of the problem, tremendous attention has been paid to that repatriation plan, perhaps to the exclusion of other solutions.

The plan does involve an interesting mix--internally dislocated peoples, external refugee--returned peoples, development, infrastructure. These are very interesting, challenging, important considerations. I don't want to overlook that. But my feeling was--without being a know-it-all, or to act as if the U.S. were in charge of things--even though repatriation programs are a very good general strategy and should be pursued aggressively, watch out case-by-case because it can be wrong, and you can actually lose ground.

In this case, for the first time, the Mozambican refugees in Malawi are being attended to. Not adequately enough, yet, but something really important is happening there. There is more cooperation among international groups, more international presence, more money coming in--including significantly more money from us.... At the same time, the conditions in Mozambique do not appear that wholesome in terms of the security situation becoming stable so that they can return to their own homes instead of someplace else. What do you have in the area that has been designated for the returnees? What have you got there in terms of infrastructure which can sustain that kind of a community? Big, unanswered questions. Hence, let's go slowly here; let's not do this prematurely either for over-weening bureaucratic or political reasons, or whatever reasons. Let's be sensible, let's be patient, and constrained.

Do you see any sense in which there is an artificial preoccupation in UNHCR with

voluntary repatriation to the detriment of other options?

I don't think it's artificial. But that's the only thing I'd quibble with. It could be the result of trying to press a very good strategy in specific instances which weren't ready to accommodate it. And it could be detrimental. That's exactly what we're talking about.

But you said that in specific cases, it may not apply. Do you see a trend on the part of UNHCR to push for repatriation more vigorously now than they were?

Sure. I think they should be. You have to test where the threshold is. Now and then you're going to go over it. The question is, are you flexible enough to recognize that and then move back in a given instance? UNHCR wasn't pressing the repatriation strategy adequately in my view previously.

One way to get at root causes and get those basic conditions to change is by pushing repatriation. That won't do it by itself. Sometimes it can be pushed in a very counterproductive and dangerous way in a given instance. But you've got to push more and you're going to cross the line in a few cases if you are using a more aggressive strategy, and I think you should be. But how flexible, and how sensible, and how much are you willing to back off that line if it doesn't work?

Do you have any thoughts on what seems to be the problem with U.S. refugee processing from Latin America?

I assume you are referring to the 1,000 additional numbers added to the Latin America ceiling this year. There were no numbers before, outside of the ceiling for Cubans.

When you haven't been doing something, it takes longer to figure out how to do it and to put it together and make it happen than you think it's going to. Instead of being at the end of that process, we're in the middle of it.

We're well along in the fiscal year, but we've been working on it since early October

when the Presidential Determination was made. We couldn't work on it before that. Despite difficulties, we're making progress and we're probably doing a lot more than you are aware of. I'm not claiming that it has borne fruit yet.

Have there been any INS circuit riders in the region, and have any interviews taken place?

I know that there have been INS people who have gone out, but I can't comment as to how many specific interviews have taken place.

Have any State Department posts identified refugees of special humanitarian concern?

We have indicated potential refugees, because we can't identify them finally --that is the responsibility of the INS.

Can you give us a sense of what groups are being considered?

No. Let me mention another point. They are hard to find. You have to consider two things very broadly. One is, who has a good chance, a real chance to be determined to be eligible, given a well-founded fear of persecution and the way that we go about determining special humanitarian interest to the U.S.? Also, who wants to be resettled in a third country and does not want to stay in Central America, or in a Latin American country? Try to put those two groups together. It is very difficult to find them.

We are looking hard, and we are consulting hard with UNHCR, our own embassy people, and voluntary agencies. We're taking it very seriously. But we do not want to create a magnet or falsely raise unfair expectations.

If we could shift to Southeast Asia. You were a member of the Ray panel. In your capacity now, how would you assess the response within the U.S. government to the recommendations that the panel made. Then, how has the situation in Southeast Asia changed, and would you perhaps revise, amend, delete, certain recommendations you have made?

I think the response to the Ray panel recommendations was very positive...and the vast majority have been pursued.

There are at least two areas which have not been adopted or fully carried out, respectively. The first recommends that the denied Khmer should be further reviewed. The Ray panel didn't say how. It didn't say all should be reviewed. It just said, "You shouldn't just leave it where it has been left. Something more in the way of a review should happen." That has not been adopted, and not carried out. And that is up to me to make recommendations on. When I came into this job, I found that both the State Department and INS had, in public testimony, stated opposition to that proposal. At the same time, this would be one of the responsibilities I would have as U.S. Coordinator, to make further recommendations--kind of an interesting situation.

I have not made recommendations on this yet, and my not doing so is very deliberate, because it isn't ready, and it is a very complex and difficult problem in a whole number of respects, which I will not enumerate. If it's going to be done, it has to be done with a very strong chance of it being something constructive.

The other area not completed is the notion of a shift in emphasis from the refugee system to the immigration system in Southeast Asia. The Ray panel talked about a two-track system. Well, we already have a dual system. So the question was, do you shift the proportions, keeping the dual system of refugees and immigration? I think a good case can be made that that transition and shift of emphasis has not been fully designed, worked out. And we're still working on it.

It is also true--getting back to the question of external factors you can't control--that some shifting or transition happens without anybody making a deliberate policy to do it. Resources go down and numbers go down.... If you have fewer refugee numbers, you are going to give greater emphasis to immigrant numbers.... If you can't use refugee processing in the border Khmer camps, you use immigrant processing. A lot goes on regarding the mix between the two which isn't a matter of designing the best way to administer the Ray commission recommendations. But we've still got to do more hard work here and we owe it to everybody--

the refugees, the INS, the Congress.

Is there a sense of urgency about the question of the ration-card holders at Khao I Dang being moved back to the border? Is there any likelihood of a change in U.S.--or international--attitudes toward that group to do more comprehensive processing?

Yes, there is a sense of urgency. I'm not excluding any of the populations in Khao I Dang from the sense of urgency, but you asked about the ration-card holders. There is some chance of what you're saying happening, but I wouldn't take it beyond that now. I don't know about the international situation. I'm talking about the U.S. (see Update)

There has been considerable press attention on the recent Hmong pushbacks, particularly the March 15 incident where 100 or more were removed from Ban Vinai, 38 of whom were transported across the river. There has been documentation of some Thai forceful repatriation of Hmong. How would you characterized U.S.-Thai relations on this issue, and what are the prospects of working with the Thais...to encourage them to abandon this kind of practice?

Testy relations right now. But I have a lot of confidence in the bilateral relationship of Thailand and the United States--particularly with regard to the refugee program--over the long-run....

The key here is to emphasize to ourselves--as part of our own national policy and commitment--that in an ongoing relationship, in the future, as long as it takes, we will be working with the Thais, supporting the Thais in a number of respects, not just in resettlement, on the refugee problem. And the best evidence of this is our record with them so far, including this year, with off-take figures and with Hmong resettlement, if you want to talk about Hmong because these are the people with special problems.

The important thing in the relationship between the Thai and the U.S. is to recognize that there is no quick fix to these problems; that they are going to go on; that these refugee problems that Thailand is dealing with are very difficult and they

have been struggling with them for a long time.

There is no abandonment here by the U.S. That's what we've got to convince the Thais of. Yet sometimes specific, discrete, quantitative commitments of one type or another are not realistic and can not be really helpful when they come into conflict with worldwide refugee needs and with U.S. refugee law and processing. One thing that we've got to recognize--and let the Thais know--is that the U.S. can't make the Thais sustain their policy of first asylum. Only the Thais can do that, as a sovereign nation. Other countries with much worse refugee pressures than Thailand has are sustaining their policies of first asylum without us determining that they do so.

The Thais have got to decide to do that. They have already decided to do it. Presumably they will continue to decide to do it as a matter of national policy and as a member of the community of civilized nations. We must do everything that we can to support them, to help them. And we have to assure them of that in the most unmistakable, credible terms. But we can't guarantee first asylum in Thailand.

We've discussed your role as U.S. Coordinator for Refugees. But could we also discuss your role as director of the Bureau for Refugee Programs?

I think that the roles are very compatible. It's very important not to just combine the jobs, but to keep them separate, especially with the model we're now following. This is a very difficult thing to attempt, but I think it is the right thing to do. The Refugee Act of 1980 and the statutes and the political expectations and requirements which flow from that require that the Coordinator be separate from the Refugee Programs Bureau, from HHS, INS, and OMB; that he be supra-departmental, executive-branch wide, with important responsibilities with regard to the Congress and with regard to international negotiations. This comes under some pressure if the same person fills both jobs. A lot of good arguments can be made that that shouldn't be done. If it is done, because of the arguments that are in favor of doing so, then it must be done in some way to keep the separation as much as possible.

Update

° On Saturday, May 30, Vietnamese shelling at the Site 2 border camp in Thailand killed seven Cambodian refugees, including two children, and injured 19, according to The Nation, a Bangkok newspaper. Site 2 is home to about 150,000 Cambodians and 3,400 Vietnamese.

Thai authorities reported that Vietnamese troops had actually entered the encampment and were pushed back by Thai forces before the shelling began. International relief officials were expected to meet last week to discuss the evacuation of some of the camp population to Site 3, seven kilometers to the west.

° The Thai government is expected to permit an extension of language training and refugee processing in three Laotian camps beyond June 30, according to a May 20 article in The Nation. The article indicated that the extension was granted at the request of the United States embassy in Bangkok.

Statements made earlier this year by officials with the Thai Ministry of the Interior (MOI) had suggested that refugee processing in the Laotian refugee camps of Chiang Kham, Ban Vinai, and Na Pho would be suspended on June 30.

MOI official Wirachai Naeobunnian, deputy director of the Operations Center for Displaced Persons, said his ministry has not made a final decision as to the future of the estimated 3,000 unregistered residents of Ban Vinai, whom MOI considers to be illegal immigrants. According to the Nation article, Wirachai said senior officials in the Thai government had urged MOI to postpone further repatriation of this group.

° The State Department has authorized refugee processing for Cambodian "ration card (RC) holders" in Khao I Dang camp. Processing for priorities P-1 through P-5 is expected to begin some time before the end of FY 87, according to a State Department official. There are about 7,100 RC holders in Khao I Dang, all of whom entered the camp between August 1984 and October 1985.

° A total of 930 Vietnamese boat refugees arrived in Thailand in March, the highest monthly figure in five years according to the UN High Commissioner for Refugees (UNHCR). More than 2,700 Vietnamese have landed in Thailand in the first four months of 1987, according to UNHCR, almost twice the number of arrivals as in the same period last year.

Vietnamese boat refugees in Thailand currently number about 7,800, with a total of 31,600 "boat people" throughout the Southeast Asian region. Malaysia has also reported an increase in boat arrivals.

° Cuba has agreed to release 348 current and former long-term political prisoners and permit them to emigrate to the United States, according to a June 8 announcement by Monsignor Nicholas DiMarzio, head of Migration and Refugee Services for the U.S. Catholic Conference.

° The Intergovernmental Committee for Migration (ICM) has been selected by the State Department to prescreen and process non-Cuban Latin American refugees, according to a May 21 State Department cable. The arrangement, which became effective as of the cable's date, is open-ended.

According to the cable, ICM performs similar prescreening and processing functions in Latin America on behalf of the Australian and Canadian governments. Sixteen Central and South American ICM offices have been designated as refugee processing posts. There were already posts in Mexico, Panama, and Brazil.

Refugees can present themselves at ICM offices, or U.S. embassies or consulates, according to the cable. Wherever possible, cases will then be referred to the UNHCR for an opinion as to whether or not the claimant meets the UN Convention refugee definition. Next, applicants must show they are eligible for one of four U.S. processing priorities.

Non-Cuban Latin American refugee processing has been at a standstill since Secretary of State George P. Shultz first told Congress last August that the government intended to allocate 1,000 slots for such refugees. As of April 30, no non-Cuban refugees have been admitted under the program, according to the State Department's Bureau for Refugee Programs. Forty-nine

refugees, all Cubans, have been admitted from the region, which has a ceiling of 4,000 persons.

° Since January 1, 675 Guatemalans have repatriated from Mexico with UNHCR assistance, according to UNHCR. In 1984 there were 794 repatriations; in 1985, 205; and in 1986, 355.

° In March and April authorities in the Sudan rounded up thousands of refugees and displaced persons in Khartoum and forced them out of the city. The intervention of the UNHCR helped to stay the removals of some 45,000 Eritrean refugees from Ethiopia. According to a May 11 Washington Post report, refugee sources alleged that beatings and rape occurred during the round up.

On April 9, Shun Chetty, deputy representative for the UNHCR in Khartoum, told a gathering of Ethiopian refugees in Arlington, Virginia that "the good old days of Sudanese tolerance and protection are over, they are irrevocably over." Chetty was quoted in the newsletter of the Metropolitan D.C. Coalition for Refugee Resettlement as saying, "The two hundred thousand refugees trapped in the urban areas are causing bad will against all refugees. The quantity and quality of the problem are becoming intractable in the Sudan."

° In March, the State Department authorized refugee processing for Iranians in Pakistan who are not members of religious minorities. First consideration for refugee admissions will still be given to Iranians who are members of persecuted religious minorities. The policy will be in effect until the end of the fiscal year.

° At a news conference on June 8, Attorney General Edwin Meese announced that the INS will be developing a program of AIDS testing for all immigrants, refugees, and illegal aliens applying for legal status. "Those who test positive will be denied entry to the United States or legalized residency, as the case may be," said Meese.

° On May 8, Rep. Manuel Lujan, Jr. (R-N.M.) introduced a bill to allow persons 65 years and older who have legally resided in the United States for 5 years to take the naturalization examination in the language

of their choice. In introducing the bill, Lujan said, "This legislation merely recognizes the fact that the ability to learn a new language at an advanced age diminishes." He urged passage of the bill as a way of showing "compassion and understanding for those who wish to spend the golden years of their lives as Americans."

Recent Developments

ORR ALLOCATES FY 87 FUNDS FOR SOCIAL SERVICES

The Office of Refugee Resettlement (ORR) will allocate about \$58 million to states for providing social services to refugees and Cuban/Haitian entrants in FY 87, according to a May 14 announcement in the Federal Register. Of this amount, \$2.8 million will be allocated in the form of incentive grants to states to fund mutual assistance associations (MAAs).

An additional \$10.5 million will be used by ORR on a discretionary basis to fund various demonstration projects intended to contribute to the "effectiveness and efficiency" of the resettlement program.

ORR's social service allocation formula is based on a state's population of refugees who have been in the United States for three years or less (see chart on back page). States are free to provide services to any refugee or entrant, regardless of that individual's length of U.S. residence.

Seven states with very small refugee populations were granted a floor amount of \$75,000, even though the allocations formula would have allowed a lesser sum. The ORR announcement said the floor supplements an "otherwise impractically small figure" and enables states to cover "certain basic costs" in serving even small numbers of refugees.

In keeping with its overall goal of promoting early refugee employment, ORR has indicated that 85 percent of state social service funds, including the MAA incentive grants, must be used for employment services, English language training, and case management services.

ORR Defends Discretionary Funds ORR reported that three comments on earlier

proposed allocations were critical of the \$10.5 million discretionary funds, stating that the funds either should be reduced, eliminated, or folded into the state social service allocations. ORR defended the discretionary funding in its May 14 announcement, saying that it addresses special needs in a "more flexible and productive manner" than might be possible by simply allocating the money to states on a formula basis.

The ORR discretionary funds will be supporting two new initiatives in FY 87. Up to \$3.5 million is available to states for "Community Stability Projects" (CSP) that will discourage migration out of communities with significant employment opportunities. About \$4 million is available for the "Key States Initiative" (KSI) to reduce refugee welfare dependency and increase employment in eight states with a high percentage of refugees on cash assistance. The eight states are California, Massachusetts, Minnesota, New York, Pennsylvania, Oregon, Washington, and Wisconsin.

MOORE ATTENDS REFUGEE REMEMBRANCE DAY IN MINNESOTA

In his first domestic trip since taking office nine months ago, Ambassador Jonathan

Moore, the U.S. coordinator for refugee affairs, paid a two-day visit to Minnesota last week, where he addressed a crowd of more than 1,000 refugees and advocates.

Saying he had come "to listen and to learn," Moore praised Minnesota as having "one of the most effective resettlement programs in the United States." He heard the appeals of numerous refugee community leaders for continued protection and assistance overseas. Refugee children presented the ambassador with thousands of paper cranes, an international symbol of peace, as a reminder of the 400,000 Indochinese refugees still in Thailand and the 20,000 Ethiopians in Djibouti who face repatriation.

The group had gathered at a park in downtown Minneapolis to commemorate "Refugee Remembrance Day," an event organized by the Governor's Advisory Council on Refugees and the Refugee Advocacy Coalition. "We wanted to show the Ambassador our grave concern for the camp situations and our great commitment for continued resettlement," said Rev. Joan Hill, a Lutheran minister and member of the coalition. "We also wanted to express our expectations that the United States will do everything in its power to see that these refugees are protected," said Hill.

Other featured speakers at the Loring

Rev. Joan Hill
with two
refugee children
waiting to
present their
baskets of paper
cranes to
Ambassador
Jonathan Moore.

C. Robinson/USCR



Park rally included Sen. Rudy Boschwitz (R-Minn.), Rep. Bill Frenzel (R-Minn.), and Sandra Gardebring, commissioner of Health and Human Services in Minnesota.

Later the same day at the Central Lutheran Church, Moore told an audience of 250 that it was very difficult to sustain hope in the refugee program given the "conditions of fear and suffering, inadequate resources, and competing political interests." He cautioned the group not to expect too much from the refugee coordinator's office. "We are not that powerful," he said, "but we are committed. We will continue to struggle in the cause."

Dominant Focus is Southeast Asia With Indochinese comprising more than 80 percent of Minnesota's 33,000 refugees, the major focus of Moore's visit was on the first asylum situation in Southeast Asia, particularly in Thailand. Lao and Hmong community leaders expressed their concerns about Thai "pushbacks" of asylum-seekers, the threatened restrictions in processing at the Laotian refugee camps, and the recent high rejection rates of Lao resettlement applicants by the Immigration and Naturalization Service (INS).

Cambodians in Minnesota asked about the fate of their friends and family in Khao I Dang camp, the last facility for Cambodians in Thailand under the auspices of the UN High Commissioner for Refugees (UNHCR). About 400 residents of the camp have already been relocated to the Thai-Cambodian border.

The safety of the 3,400 Vietnamese in Site 2, a predominantly Cambodian border encampment, was another subject of inquiry.

Moore pointed out that the U.S. government had protested the pushback incidents involving Hmong asylum-seekers in March, and was working with Thai authorities to ensure continued access to Khao I Dang and the Laotian camps for processing. Protection at the border remained a concern, he said, but the United States was supporting the efforts of UNHCR and other international agencies to improve it.

"We continue to work with the Thais to commend and to criticize," said Moore, but added that the decisions on Thai refugee policy are "ultimately theirs." He emphasized that "the U.S. is fully and permanently engaged in the Indochinese refugee problem," and that it "remains committed to

seeing the situation through to conclusion."

Regarding the fluctuating approval rates by INS, Moore noted that "manpower is a problem in addition to consistent processing." He said, "I wish there was something more I could do."

Moore Anticipates "Some Kind of Review" for Rejected Cambodians In a question and answer session at the church, someone asked if the government was considering a "case-by-case" review of the 14,000 Cambodians in Khao I Dang previously rejected for U.S. admission. Moore said that he anticipates "some kind of review," but did not specify details or dates.

Moore suggested that his response to the review issue was complicated by the fact that both INS and the Department of State have publicly opposed any further review of the cases. "The reason why it has taken so long is my fault," he said. "I have to find a formula to build support. But it would be wrong not to have any kind of a further review."

U.S. Policy in Djibouti is "Stalemated"

Asked about the current policy on U.S. processing of Ethiopians in Djibouti, Moore called the situation "stalemated." The government of Djibouti had requested that processing be stopped six or seven years ago, according to Moore. Since then Djibouti has been promoting repatriation as a solution.

The current voluntary repatriation program, developed in consultation with UNHCR, has been a source of "a great deal of concern and dissatisfaction," Moore acknowledged. A July 1986 circular issued by the Djibouti government said, "All those who do not accept to repatriate voluntarily to Ethiopia must request individually the continuation of their refugee status." Those whose requests are denied "must leave the Djiboutian territory." UNHCR figures as of April show that 2,150 refugees have returned to Ethiopia through this initiative.

"UNHCR doesn't seem to understand that this repatriation is not voluntary," said Dure Negassa of the Oromo Community of Minnesota. She told Refugee Reports that the Mengistu regime continued to persecute the Oromo people by uprooting them from their traditional homelands. Urban refugees are also considered to be at-risk of government persecution if returned.

Ambassador Moore
receiving gifts
from the Minnesota
refugee community

C. Robinson/USCR



UNHCR figures indicate that about 25 percent of Djibouti's 20,000 refugees are Oromo, and a State Department official estimated that there are about 70,000 Oromo refugees in the Horn of Africa. Negassa urged the U.S. government to take a "fair share" of Oromos in the African resettlement program.

Moore Calls Hatfield Bill "Radical" and "Controversial" Asked if his office supported Indochinese refugee legislation recently introduced by Sen. Mark Hatfield (R-Ore.), Moore replied, "It is difficult for me to comment." He said that neither the State Department nor the Office of the U.S. Coordinator for Refugee Affairs had taken a position on the bill.

Hatfield's legislation (S.814) would, among other things, establish minimal ceilings for Indochinese admissions for the next three years, and transfer processing authority in Southeast Asia from the INS to the Department of State.

"I am sympathetic" to the bill, said

Moore, "Its motivations and its purposes I share." The Hatfield bill "seeks to make a lot of radical changes in the way the U.S. government makes and pursues refugee policies," said Moore. He called the initiative "controversial" in that "it involves serious assets and liabilities in almost everybody's analysis."

Moore Praised for Honesty, Criticized for Defensiveness After meeting with Moore for about one hour on June 1, several Minnesotan religious leaders expressed disappointment at what one termed his "defensive stance." "I was troubled by his constant refrain of not having enough authority," said Rabbi Howard Jaffe, president of the Minnesota Rabbinical Association. "I was concerned that he did not motivate us or inspire us. He painted a picture of gray that leaves me somewhat empty."

Josee Cung, a Vietnamese refugee on the Governor's Advisory Council, found Moore "very frank, very honest." "I think refugees in Minnesota should feel honored that

he came here," she told Refugee Reports. Nevertheless, she said, "he hasn't committed to anything. We understand this, but it is still frustrating."

CANADA INTRODUCES LEGISLATION TO STREAMLINE ASYLUM DETERMINATION

The Canadian government has introduced a bill into the House of Commons that would expedite the system for determining whether an asylum seeker has a bona fide claim to refugee status.

According to the government, the new system would reduce the hearing and appeals process from eight steps to three--a claim that is challenged by Canadian refugee advocacy groups. As a consequence of this streamlining, the government asserts that the adjudication process would be reduced from years to a matter of months, and that in many cases asylum seekers with no arguable claim would be removed from the country in a matter of days.

Under the new legislation, a denied refugee claimant would have fewer chances for appeal and would be removed from Canada pending appeal to the Federal Court.

A government statement issued with the legislation said, "The proposed system would allow for a rapid response to genuine refugees needing protection. It would also permit the speedy removal of those making refugee claims for reasons other than protection."

Asylum applicants would also be more likely to be returned to a "safe third country" under the proposed legislation. The government says that the Cabinet would establish a list of such countries. "A country can be excluded," the government statement notes, "if it has a poor record vis-a-vis a particular group."

Critics Contend "Safe Third Country"

Unclear Refugee advocacy groups say that the notion of a "safe third country" is vague and troublesome. "There is no universal understanding of this concept," said Kathleen Ptolemy, refugee consultant to the Anglican Church of Canada. "It appears to be a figment of the North American/Western European imagination."

Rivka Augenfeld, president of the Coalition of Montreal Organizations Working

for Refugees, said that government assurances on return to safe third countries were not adequate. "When the temporary restrictions went into effect on February 20, the government said it had an agreement that Central Americans returned to the United States would not be deported, but it wasn't binding and the United States said all along that it reserved the right to deport." (See Refugee Reports, Vol. VIII, No. 3.)

Immigration Officer and Independent Refugee Board Member Would Make Initial Determinations

The new legislation would establish a Convention Refugee Determination Division (CRDD). A member of the CRDD would be involved with an immigration officer in the initial assessment of every claim to determine whether the asylum applicant should be admitted for further consideration by a panel of the CRDD.

Applicants could be ruled ineligible on any of five grounds, including recognition as a refugee by another country and being returnable to a safe third country.

After determining applicants' eligibility, the immigration adjudicator and CRDD member would then have to determine their credibility. The grounds for credibility would be the human rights record of the country where the applicant feared persecution and the disposition of other cases of refugee claimants from the same country.

Refugee claimants would have to satisfy both the eligibility and credibility criteria before the individual facts of the case could be considered by a two member panel of the CRDD.

Critics Say Refoulement Likely Michael Schelew, spokesman on refugee affairs for the Canadian section of Amnesty International, told Refugee Reports, "The government says no genuine refugee will be turned away, but how will they know if they don't hear the merits of the cases?"

Schelew said that the Private Bar of Canada estimated that 80 percent of refugee claimants' cases would not be heard if the bill became law. He said that "massive refoulement" would be likely to occur.

The government holds that protection would be maintained since both the adjudicator and the CRDD member would have to agree in order to remove the claimant without a

further hearing. A two member panel of the CRDD would then conduct non-adversarial hearings to determine whether to accept or reject the claim. If rejected by the CRDD panel, the asylum applicant would be removed from the country pending an appeal.

Such appeals would be limited to "questions of law, jurisdiction, and perverse or capricious interpretations of fact." The government paper states, "The incidence of successful appeal on these grounds is currently very low and should diminish further because of the high quality of the new proceedings."

Schelew said that it would be "ludicrous" to require refugee claimants to file appeals from outside the country. "They could be dead by then." He added that not allowing appeal of asylum decisions on the merits violates UNHCR guidelines for refugee determination.

In announcing the new legislation, Benoit Bouchard, Minister of Employment and Immigration, said, "This system is fair. It is fair to genuine refugees, to claimants and to Canadians. It ends delays and uncertainty for genuine refugees and it preserves the integrity of our immigration program."

Augenfeld challenged the fairness of the government position. While conceding that the present refugee determination procedure has been cumbersome and therefore subject to abuse, she said, "We are convinced that a system can be efficient and fair."

She suggested that such a system should drop the pre-screening step, and allow the asylum seeker reasonable time to find legal counsel and prepare a case. The case would heard, at the outset, by a "competent, independent body." She said that if such a system were in place, and included an appeals option based on the merits, that "the decisions would be accepted."

Opposition Calls for Withdrawal of Bill

The week of June 9 was designated by opponents of the bill as a National Week of Protest. The date was chosen, according to Nancy Nichols, a representative to the Interchurch Committee for Refugees from the Canadian Conference of Catholic Bishops, because June 9, 1939, was the day that a shipload of Jews on board the St. Louis was denied access to Canada and forced to return to Nazi-occupied Europe.

"We want the bill withdrawn," said Nichols. "It is so seriously flawed that we believe it can't be amended."

Nichols said that the screening process violates the principle of universal access, that the bill lacks any meaningful appeal procedure, and that a Cabinet determination of "safe third countries" would politicize the refugee determination process.

JEWS EXIT SOVIET UNION IN LARGEST NUMBERS SINCE 1981

Continued heightened emigration of Jews from the Soviet Union is leading to discussions within Congress and the administration for a reallocation of the regional ceilings for refugee processing into the United States and for reallocating funds for refugee resettlement toward programs that could benefit this influx.

In May, the largest monthly total of Jews exited the Soviet Union since May 1981. The May total, 871, brings to 2,302, the number of Soviet Jews who have emigrated this year, according to the National Conference on Soviet Jewry.

According to the regional ceiling established in annual consultations with Congress, 10,000 places are set aside to resettle refugees from Eastern Europe and the Soviet Union. Through the first seven months of the fiscal year, 5,572 refugees have been admitted from the region, of whom, 677 have come from the USSR.

Discussions are currently taking place between members of Congress and the administration to transfer some unused refugee admission numbers from the Latin America and Africa regional ceilings to Europe, according to knowledgeable sources. If the administration makes such a request, as expected, the Office of Management and Budget (OMB) is likely then to be asked to transfer money within the budget according to the new circumstances.

Senate Tells OMB to Allow Transfer of Funds into Matching Grants Program Independent of any decisions on reallocation of refugee admission numbers, all three members of the Senate immigration and refugee subcommittee have endorsed an effort to transfer funds into the matching grants program, in light of the increase in Soviet Jewish emigration.

Under the matching grants program, which traditionally has benefited Soviet and East European refugees, federal funds of up to \$1,000 per refugee have been provided on a dollar-for-dollar basis to participating voluntary agencies to provide alternatives to state-administered programs funded by the federal Office of Refugee Resettlement (ORR).

In a letter to the chairman of the Senate Appropriations Committee, Senators Kennedy, Simon, and Simpson asked for the transfer of about \$2 million within ORR to expand the matching grants program. According to the April 30 letter, refugees resettled through the program are at least 80 percent self-sufficient, as compared to a 54 percent welfare dependency rate nationally among refugees. "Obviously," said the letter, "this program saves the federal and state governments considerable public assistance dollars."

On May 21, there was a colloquy on the Senate floor on the subject in which Senators Kennedy, Chiles, and Weicker (the latter two being the chairman and ranking minority member of the responsible Appropriations subcommittee) all supported the transfer of \$2 million within ORR for the Matching Grants program. Kennedy said, "OMB thus far has been unresponsive to this request, despite the modest amounts involved and the fact that no new money would be required."

CONGRESSIONAL HEARINGS ON DEPORTATIONS TO CENTRAL AMERICA CONTINUE

Congressional hearings are being held on three bills that would provide a temporary stay of deportation, much like extended voluntary departure (EVD), for Salvadoran and Nicaraguan nationals in the United States. EVD is a temporary stay of deportation granted to specific nationality groups at the discretion of the Attorney General. EVD is currently in effect for nationals of Afghanistan, Ethiopia and Poland.

The House rules committee, chaired by Rep. Joseph Moakley (D-Mass.), has held three hearings since the beginning of May on two bills that would legislate the non-deportation of Salvadorans and Nicaraguans--H.R. 618, sponsored by Moakley and H.R. 1409, sponsored by Rep. Claude Pepper

(D-Fla.).

On June 3, the committee heard testimony from several government officials, including Alan Nelson, commissioner of the Immigration and Naturalization Service. Nelson said that while "we're all concerned with human rights and violence," the administration remains opposed to EVD for a number of reasons. He said the bills were unnecessary because "the existing asylum procedures already in place are working." He added, "This legislation would be a magnet for future immigration," and, if passed, "a victory for the sanctuary movement." Later, in answer to a question by Moakley, Nelson said that, in his opinion, "EVD is not a good concept." Moakley asked, "Are there any criteria under which you would support EVD?" Nelson replied, "Probably not."

Also testifying was Gretchen Bolton, Washington representative for the Intergovernmental Committee for Migration (ICM). Bolton faced tough questions from Moakley regarding a report ICM released on July 22, 1986, based on its reception program for Salvadoran returnees. The State Department subsequently said the report suggested that Salvadoran returnees were in little danger of persecution. But a GAO study published in May 1987 found that no such conclusions could be drawn from ICM's data (see Refugee Reports, Vol. VIII, No. 3). Bolton said that ICM had objected to the State Department's use of their data. "We do not say our data proves anything," she said.

Meanwhile, in the Senate, S. 332, a bill providing nondeportation for Salvadorans, sponsored by Sen. Dennis DeConcini, (D-Ariz.), heads for a hearing in the subcommittee on immigration and refugee policy, chaired by Sen. Edward M. Kennedy (D-Mass.). Congressional sources said that Sen. Alan K. Simpson (R-Wyo.) may offer as many as seven amendments to the bill, including one which would require case-by-case review, rather than blanket suspension of deportation for Salvadorans, and one which would require that all those admitted be considered against the total number of refugee admissions during the consultations between the State Department and Congress. No date for the hearing has yet been set, but it is expected to be held prior to the next full Senate Judiciary Committee meeting on June 23.

In a related development, on May 15,

the Reagan administration rejected a direct appeal from El Salvador's President Jose Napoleon Duarte not to deport Salvadorans from the United States back to El Salvador (see Refugee Reports, Vol. VIII, No. 5). Duarte expressed concern that large-scale deportations might result from implementation of the Immigration Reform and Control Act. Phyllis Oakley, a State Department deputy spokeswoman, said, "We wish to avoid exceptions which others might take as precedents."

Since January, at least 80 civilians have died because of political violence in El Salvador, according to a State Department official. Half of the victims, most killed by landmines, are thought to be women and children.

DOCUMENTS REVEAL INS UNDERCOVER OPERATIONS

INS agents have been given permission to commit felonies, violate lawyer-client confidentiality, and to conduct undercover operations against the media, and religious and political organizations, according to guidelines approved by the Attorney General.

The guidelines, signed on March 5, 1984, by then-Attorney General William French Smith, came to light recently through a Freedom of Information Act request.

The guidelines define "otherwise illegal activity" as acts "that would constitute a crime under federal, state, or local law if engaged in by a person acting without the approval or authorization of an appropriate government official."

The guidelines require the prior approval of the the INS Commissioner or the Associate Commissioner for Enforcement with the concurrence of the Assistant Attorney General for the Criminal Division or his or her designee for "undercover operations involving sensitive circumstances."

Such sensitive circumstances include, among others, when "an undercover employee or cooperating private individual":

- ° "will...investigat[e]...activities of a religious or political organization, or the activities of the news media;....
- ° "will engage in any otherwise illegal activity which would be proscribed by federal, state, or local law as a felony or which would be otherwise a serious crime....

- ° "will attend a meeting between a subject of the investigation and his or her lawyer;

- ° "will pose as an attorney, physician, clergyman, or member of the news media, and there is significant risk that another individual will be led into a professional or confidential relationship with the undercover employee or cooperating individual as a result of the pose."

Undercover Operations Target Sanctuary Movement, Palestinians

The most widely known INS undercover operation since the guidelines were signed involved the infiltration of church activists in the sanctuary movement. The May 2, 1986, conviction of six sanctuary movement members in Tucson for conspiracy to smuggle illegal aliens into the United States was based largely on evidence gathered by men posing as Christian sanctuary volunteers (see Refugee Reports, Vol. VII, No. 1). They secretly recorded about 100 tapes of meetings and conversations at Tucson's Southside United Presbyterian Church.

In a more recent development, on January 20, seven Palestinians and one Kenyan were arrested in Los Angeles, and initially charged under a McCarthy-era law, the McCarren-Walter Act of 1952, for alleged affiliation with the Popular Front for the Liberation of Palestine (PFLP). The McCarren-Walter Act bars aliens in the United States from activities that promote world communism. All eight denied the charges.

Later the government dropped the subversion charges, but has continued to seek the deportation of the eight by charging six with visa violations and the other two under another section of the McCarren-Walter Act which prohibits affiliation with an organization that advocates "the unlawful damage, injury, or destruction of property."

FBI Conducts Investigation, INS Carries Out Arrests

The arrests came after a ten-month investigation and several months of covert surveillance by the FBI. Although the INS does not appear, in this case, to have been involved in the covert activity, it did carry out the arrests and is continuing to press for the deportation of those involved.

Marc Van Der Hout, an attorney with the National Lawyers Guild who is part of the defense team for the Palestinians, told Refugee Reports that the document was "quite significant" and would be raised as part of the defense. He said that the defense will use the guidelines to determine who was involved in the undercover activity, who approved the actions, and whether the approval procedures outlined in the guidelines were followed.

Another INS document has also been leaked which lawyers for the Palestinians contend shows the existence of a plan to target "particular nationalities or groups known to be composed primarily of certain nationalities, most probably those citizens of states known to support terrorism."

The May 1986 report, "Alien Terrorists and Undesirables: A Contingency Plan," recommends close cooperation between the INS and other U.S. intelligence and security agencies, including the FBI.

Following the leaking of the report in February, a Los Angeles Times investigation revealed that an Alien Border Control Committee was formed the same month as the plan, May 1986, and continued to meet as late as last November. The Committee included representatives of the INS, CIA, FBI, and State Department, according to the Times, and recommended that the FBI and other law enforcement agencies "immediately provide" immigration authorities "with lists of names, nationalities and other identifying data and evidence relating to alien undesirables and suspected terrorists believed to be...in the United States."

Officials of the INS deny that the contingency plan is INS policy. Alan C. Nelson, INS commissioner, was quoted in the Congressional Quarterly as saying, "Nothing is implemented or up for decision or review." He described the plan as a "legitimate analysis at a lower staff level" and said that "a few people got carried away" in their reaction to it.

However, Dan Stormer, the attorney coordinating the Palestinians' defense, told Refugee Reports that the plan was used to target the Palestinians in southern California. "It is clear from the nature of the prosecution, from the original charges, from the statements during the bond hearing, and from continuing efforts to deport them, that INS is following the plan to the T."

Nelson, on the other hand, termed as "far fetched" the notion that the arrests and contingency plan were linked in some way. "People put two and two together and got 20 because we arrested some Palestinians," he said.

The American Civil Liberties Union, representing the two Palestinians, has asked that the McCarren-Walter Act be declared unconstitutional, and the Arab-American Anti-Discrimination Committee has filed a lawsuit claiming that the action has violated the first amendment rights of the two defendants to hold and express their beliefs.

In a related development, Rep. Barney Frank (D-Mass.) and Sen. Daniel Moynihan (D-N.Y.) have introduced bills that would limit grounds under the McCarren-Walter Act for deporting aliens or denying them visas because of political beliefs. The House bill, H.R. 1119, which was introduced on February 18, is tentatively scheduled for a hearing in the immigration and refugee subcommittee in late June. No hearings are yet scheduled for the Senate version, S. 28.

Resources

AMNESTY INTERNATIONAL ON CAMBODIA, IRAN

Amnesty International has recently published reports on two significant refugee generating nations--Iran and Cambodia. Both reports detail the human rights abuses that have caused hundreds of thousands of people to flee their homelands.

Kampuchea: Torture and Political Imprisonment in the People's Republic of Kampuchea (Cambodia), documents the use of torture of political prisoners during interrogation and of cruel and inhuman prison conditions.

Of particular relevance to Iranian asylum applicants, Iran: Violations of Human Rights, finds that "many arrests are believed to have been made because detained friends, relatives or political colleagues had given the individual's name under torture."

For more information about these reports, contact Amnesty International at 322 Eighth Avenue, New York, NY 10001. (212) 807-8400.

ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATION BY STATE AND
SOCIAL SERVICE ALLOCATIONS FOR FY 1987

STATES	3-YEAR POPULATION*	ALLOCATION	MAA INCENTIVE ALLOCATION	STATES	3-YEAR POPULATION	ALLOCATION	MAA INCENTIVE ALLOCATION
Alabama	997	\$ 272,308	\$ 14,215	Nebraska	482	131,648	6,872
Arizona	2,625	716,960	37,425	Nevada	831	226,969	11,848
Arkansas	536	146,396	7,642	New Hampshire	262	75,000	5,000
California	68,704	18,764,966	979,532	New Jersey	2,800	764,758	39,920
Colorado	2,373	640,132	33,833	New Mexico	427	116,626	6,088
Connecticut	2,304	629,286	33,849	New York	14,303	3,906,545	203,922
Delaware	62	75,000	5,000	North Carolina	1,688	461,040	24,066
District of Columbia	906	138,203	7,214	North Dakota	421	114,987	6,002
Florida	4,326	1,181,550	61,677	Ohio	2,763	754,652	39,393
Georgia	3,311	904,326	47,206	Oklahoma	2,082	568,652	29,684
Guam	50	75,000	5,000	Oregon	2,683	732,802	38,252
Hawaii	853	232,978	12,161	Pennsylvania	5,942	1,622,925	84,717
Idaho	965	263,568	13,758	Rhode Island	1,895	517,577	27,018
Illinois	8,387	2,290,722	119,576	South Carolina	271	75,000	5,000
Indiana	767	209,489	10,935	South Dakota	336	91,771	5,000
Iowa	2,018	551,172	28,771	Tennessee	2,141	584,766	30,525
Kansas	2,480	677,357	35,358	Texas	13,933	3,805,488	198,647
Kentucky	759	207,304	10,821	Utah	2,022	552,264	28,828
Louisiana	2,544	694,837	36,270	Vermont	178	75,000	5,000
Maine	872	238,167	12,432	Virginia	6,048	1,651,876	86,228
Maryland	3,573	975,612	50,927	Washington	8,427	2,301,647	120,146
Massachusetts	8,908	2,433,022	127,004	West Virginia	68	75,000	5,000
Michigan	3,062	836,317	43,656	Wisconsin	2,208	603,066	31,480
Minnesota	5,544	1,514,220	79,042	Wyoming	21	75,000	5,000
Mississippi	350	95,595	5,000				
Missouri	2,178	594,872	31,052				
Montana	86	75,000	5,000				
				TOTAL	201,371	\$55,327,418	\$2,896,992

*Estimate of refugee/entrant population who have resided in the United States 3 years or less.

Source: Office of Refugee Resettlement.

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